

Dee C. Hansen

Executive Director

Dianne R. Nielson, Ph.D.
Division Director

State of Utah DEPARTMENT OF NATURAL RESOURCES DIVISION OF OIL, GAS AND MINING

355 West North Temple 3 Triad Center, Suite 350 Salt Lake City, Utah 84180-1203 801-538-5340

April 29, 1992

CERTIFIED RETURN RECEIPT P 074 979 227

Mr. Wendell Owen Co-Op Mining Company P.O. Box 1245 Huntington, Utah 84528

Dear Mr. Owen:

Re: Proposed Assessments for State Violation Nos. N92-40-1-1, N92-40-2-1, N92-40-5-1, N92-40-6-1, N92-40-9-1, N92-40-10-2, Co-Op Mining Company, Bear Canyon Mine, ACT/015/025, Folder #5, Emery County, Utah

The undersigned has been appointed by the Board of Oil, Gas and Mining as the Assessment Officer for assessing penalties under R645-401.

Enclosed are the proposed civil penalty assessments for the above-referenced violations. The violations were issued by Division Inspector, Hugh Klein on March 12, 1992. Rule R645-401-600 et. sec. has been utilized to formulate the proposed penalties. By these rules, any written information which was submitted by you or your agent, within fifteen (15) days of receipt of the Notice of Violations, have been considered in determining the facts surrounding the violations and the amount of penalties.

Under R645-401-700, there are two informal appeal options available to you:

1. If you wish to informally appeal the <u>fact of these violations</u>, you should file a written request for an Informal Conference within 30 days of receipt of this letter. This conference will be conducted by the Division Director. This Informal Conference is distinct from the Assessment Conference regarding the proposed penalties.

Page 2 Mr. Wendell Owen ACT/015/025 April 29, 1992

2. If you wish to review the proposed penalty assessments, you should file a written request for an Assessment Conference within 30 days of receipt of this letter. If you are also requesting a review of the fact of violation, as noted in paragraph 1, the Assessment Conference will be scheduled immediately following that review.

If a timely request for review is not made, the fact of violations will stand, the proposed penalty(ies) will become final, and the penalty(ies) will be due and payable within thirty (30) days of the proposed assessment. Please remit payment to the Division, mail c/o Vicki Bailey.

Sincerely,

Joseph C. Helfrich Assessment Officer

jbe Enclosure

cc: Bernie Freeman, OSM

COMPANY/MINE Co-Op Mining Company/Bear Canyon Mine		NOV #N92-40-1-
PERMIT #_ACT/015/025_	VIOI	_ATION _1_ OF _1_
ASSESSMENT DATE 04/28/92	ASSESSMENT OFFICER _Jos	seph C. Helfrich
I. <u>HISTORY MAX 25 PTS</u>		
A. Are there previous violation 1 year of today's date?	ations which are not pending or vac	cated, which fall within
ASSESSMENT DATE <u>04/28/92</u>	EFFECTIVE ONE YEAR	го DATE <u>04/28/91</u>
PREVIOUS VIOLATIONS	EFFECTIVE DATE	POINTS
N91-26-5-1 C91-26-2-1 N91-34-2-1 N91-26-7-2 N91-40-1-1 N91 35-8-1	11/03/91 09/19/91 11/24/91 11/24/91 04/11/92 04/11/92	$ \begin{array}{r} \frac{1}{5} \\ \frac{1}{2} \\ \frac{1}{1} \end{array} $
-	iolation, up to one year; violation in a CO, up to one year; all be counted.	

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category, the Assessment Officer will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

TOTAL HISTORY POINTS ___11__

Is this an Event (A) or Hindrance (B) violation? <u>Event</u>

		vent Violations Max 45 PTS	
	1.		ted standard was designed to prevent?
			f the Groundwater Monitoring Program
	2.		currence of the event which a violated standard
		was designed to prevent? <u>Unlik</u>	ely
		,	
		PROBABILITY	RANGE
		None	0
		Unlikely	1-9
		Likely	10-19
		Occurred	20
		···· Geodified	
		ASSIGN PROBABI	LITY OF OCCURRENCE POINTS8_
PROV	IDE A	N EXPLANATION OF POINTS	
1101	1007	Differential of Tonvis	
The in	spector	r's statement revealed that the unner	part of the well casing for SBC-3 was cracked.
In add	lition t	the well can had a hole in it and did	d not provide the proper seal for this particular
			d/or materials to enter the groundwater system.
monn	ornig w	ch, thus anowing surface water and	1/01 materials to enter the groundwater system.
	3.	What is the extent of estual or no	otantial damaga?
	٥.	What is the extent of actual or po	RANGE 0 - 25*
			RANGE 0 - 25
		*In assigning points, consider the	duration and extent of said damage or impact
		in terms of area and impact on the	duration and extent of said damage or impact,
		in terms of area and impact on the	ie public of environment.
			ASSIGN DAMAGE POINTS 0
DDOX	TDE A	N EXPLANATION OF POINTS	ASSIGN DAMAGE TORVIS
PROV	IDE A	IN EXPLANATION OF POINTS	
No do	maga	pagement of the violation	
ino da	mage C	occurred as a result of the violation	
B.	Wind:	rance Violations MAX 25 PTS	
ь.	mila	alice violations WAX 23 PTS	
-	1	T- 45:	4 6
	1.	Is this a potential or actual hindre	
			RANGE 0 - 25
		A malam malada turun turu aturu aturu	the section of the se
			to which enforcement is actually or potentially
		hindered by the violation.	A CONCENTRATION AND PORTED
			ASSIGN HINDRANCE POINTS
PROV	IDE A	AN EXPLANATION OF POINTS	
		·	
		TOTA	AL SERIOUSNESS POINTS (A or B) 8

III. NEGLIGENCE MAX 30 PTS

A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;

OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;

OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

. . . No Negligence 0
. . . Negligence 1-15
. . . Greater Degree of Fault 16-30

STATE DEGREE OF NEGLIGENCE Ordinary

ASSIGN NEGLIGENCE POINTS <u>8</u>

PROVIDE AN EXPLANATION OF POINTS

Lack of reasonable care with respect to maintenance of water monitoring structures.

IV. GOOD FAITH MAX 20 PTS. (EITHER A or B) (Does not apply to violations requiring no abatement measures.)

A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area?

... IF SO - EASY ABATEMENT

Easy Abatement Situation

. . . Immediate Compliance -11 to -20*

. . . Immediately following the issuance of the NOV)

... Rapid Compliance -1 to -10*

. . . (Permittee used diligence to abate the violation)

... Normal Compliance

(Operator complied within the abatement period required)

(Operator complied with conditions and/or terms of approved Mining and Reclamation Plan)

^{*} Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

	В.	the situation require the submission of plan compliance? IF SO - DIFFICULT ABATEM	s prior to physical activity to achieve
		the NOV or the violated standard, or incomplete)	ne violation) 0*
EASY	OR D	OFFICULT ABATEMENT? ASSIGN	N GOOD FAITH POINTS5
PROV	VIDE A	N EXPLANATION OF POINTS	
The p	ermitte	e complied within the second half of the aba	tement period.
v.	<u>ASSE</u>	ESSMENT SUMMARY FOR N92-40-1	
	I.	TOTAL HISTORY POINTS	11
	II.	TOTAL SERIOUSNESS POINTS	8
	III. IV.	TOTAL NEGLIGENCE POINTS TOTAL GOOD FAITH POINTS	11 <u>8</u> <u>8</u> -5
		TOTAL ASSESSED POINTS	_22_
		TOTAL ASSESSED FINE	\$ 240.00

COM	PANY/MINE_Co-Op Mining C	Company/Bear Canyon Mine	NOV <u>#N92-40-2-1</u>
PERM	IT #_ACT/015/025	VIOLA	ATION <u>1</u> OF <u>1</u>
ASSES	SSMENT DATE <u>04/28/92</u>	ASSESSMENT OFFICER Jose	ph C. Helfrich
I.	HISTORY MAX 25 PTS		
	A. Are there previous viol 1 year of today's date?	ations which are not pending or vaca	ated, which fall within
ASSE	SSMENT DATE <u>04/28/92</u>	EFFECTIVE ONE YEAR TO	O DATE <u>04/28/91</u>
	PREVIOUS VIOLATIONS	EFFECTIVE DATE	POINTS
	N91-26-5-1 C91-26-2-1 N91-34-2-1 N91-26-7-2 N91-40-1-1 N91 35-8-1	11/03/91 09/19/91 11/24/91 11/24/91 04/11/92	$ \begin{array}{r} \frac{1}{5} \\ \frac{1}{2} \\ \frac{1}{1} \end{array} $
	-	iolation, up to one year; violation in a CO, up to one year; all be counted.	

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category, the Assessment Officer will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

TOTAL HISTORY POINTS ___11__

Is this an Event (A) or Hindrance (B) violation? Hindrance

	A. <u>Ev</u>	ent Violations Max 45 PTS		
	1.	What is the event which the viole	ated standard was designed	to prevent?
	2.	What is the probability of the occurs designed to prevent?	currence of the event which	a violated standard
		PROBABILITY	RANGE	
		None	0	
		Unlikely	1-9	
		Likely	10-19	
		Occurred	20	
PROV	IDE A	ASSIGN PROBAB N EXPLANATION OF POINTS	ILITY OF OCCURRENC	CE POINTS
	3.	What is the extent of actual or p	otential damage?	
	٥.	, much is the extent of detail of p	stomatic damago.	RANGE 0 - 25*
		*In assigning points, consider the in terms of area and impact on t		d damage or impact,
			ASSIGN DAMA	GE POINTS
PROV	IDE A	N EXPLANATION OF POINTS	ASSIGN DAMA	GETORITS
В.	Hindr	ance Violations MAX 25 PTS		
	1.	Is this a potential or actual hindr	ance to enforcement? Ac	etual RANGE 0 - 25
		Assign points based on the extent hindered by the violation.	to which enforcement is a	ctually or potentially
			ASSIGN HINDRANC	E POINTS <u>20</u>
PROV	/IDE A	N EXPLANATION OF POINTS		
<u>detail</u>	ed desc	's statement revealed that due to the riptions and specifications of roat vith the design specifications.		

TOTAL SERIOUSNESS POINTS (A or B) <u>20</u>

III. <u>NEGLIGENCE</u> MAX 30 PTS

A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;

OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;

OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

. . . No Negligence 0
. . . Negligence 1-15
. . . Greater Degree of Fault 16-30

STATE DEGREE OF NEGLIGENCE Ordinary

ASSIGN NEGLIGENCE POINTS 8

PROVIDE AN EXPLANATION OF POINTS

Lack of reasonable care with respect to regulation requirements.

IV. GOOD FAITH MAX 20 PTS. (EITHER A or B) (Does not apply to violations requiring no abatement measures.)

A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area?

. . . IF SO - EASY ABATEMENT

Easy Abatement Situation

. . . Immediate Compliance -11 to -20*

. . . Immediately following the issuance of the NOV)

. . . Rapid Compliance -1 to -10*

. . . (Permittee used diligence to abate the violation)

. . . Normal Compliance 0
(Operator complied within the abatement period required)
(Operator complied with conditions and/or terms of approved Mining and Reclamation Plan)

^{*} Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

	the situation require the submission of plans prior to physical activity to achieve compliance?		
		IF SO - DIFFICULT ABATEM	ENT
		the NOV or the violated standard, o incomplete)	he violation) 0*
EASY	OR DI	FFICULT ABATEMENT? ASSIG	N GOOD FAITH POINTS
PROV	'IDE Al	N EXPLANATION OF POINTS	
To be	evaluat	ed upon termination of the violation	
v.	ASSE	SSMENT SUMMARY FOR N92-40-2	<u>2-1</u>
	I.	TOTAL HISTORY POINTS	_11_
	II.	TOTAL SERIOUSNESS POINTS	<u>20</u> <u>8</u>
	III. IV.	TOTAL NEGLIGENCE POINTS TOTAL GOOD FAITH POINTS	<u>8</u> <u>-0</u>
	IV.	TOTAL GOOD FAITH POINTS	- <u></u>
		TOTAL ASSESSED POINTS	_39_
		TOTAL ASSESSED FINE	\$ 580.00

COMPAN	NY/MINE Co-Op Mining Co	mpany/Bear Canyon Mine	NOV #N92-40-9-1
PERMIT :	#_ACT/015/025_	VIOL	ATION <u>1</u> OF <u>1</u>
ASSESSM	IENT DATE 04/28/92	ASSESSMENT OFFICERJose	eph C. Helfrich
I. <u>HI</u>	STORY MAX 25 PTS		
A.	Are there previous violat 1 year of today's date?	ions which are not pending or vac	ated, which fall within
ASSESSM	MENT DATE <u>04/28/92</u>	EFFECTIVE ONE YEAR T	O DATE <u>04/28/91</u>
P	REVIOUS VIOLATIONS	EFFECTIVE DATE	POINTS
	N91-26-5-1 C91-26-2-1 N91-34-2-1 N91-26-7-2 N91-40-1-1 N91 35-8-1	11/03/91 09/19/91 11/24/91 11/24/91 04/11/92 04/11/92	$ \begin{array}{c} \frac{1}{5} \\ \frac{1}{2} \\ \frac{1}{1} \end{array} $
	1 point for each past vic 5 points for each past vi	olation in a CO, up to one year;	

TOTAL HISTORY POINTS ___11__

П. **SERIOUSNESS** (either A or B)

For assignment of points in Parts II and III, the following applies. Based on NOTE: the facts supplied by the inspector, the Assessment Officer will determine within which category, the Assessment Officer will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) violation? <u>Event</u> or Hindrance (B)

	A. <u>E</u>	vent Violations Max 45 PTS	
	1.		ated standard was designed to prevent?
	2.	What is the probability of the ocwas designed to prevent? Occu	ecurrence of the event which a violated standard
		PROBABILITY	RANGE
		None	0
		Unlikely	1-9
		Likely	10-19
		Occurred	20
PRO	VIDE A	ASSIGN PROBA AN EXPLANATION OF POINTS	BILITY OF OCCURRENCE POINTS 20
silt f drair in su	ence hange. Tuch a pl	s been cleaned out before and the his is an abnormal deposition patter	filled with sediment. It is also evident that this deposits have been heaped up on a bank of the n and should not be occurring in such a way and y be more appropriately categorized as off site
	3.	What is the extent of actual or p	ootential damage? RANGE 0 - 25*
		*In assigning points, consider the in terms of area and impact on the interms of area and impact on the impact of	e duration and extent of said damage or impact, the public or environment.
			ASSIGN DAMAGE POINTS 12
PRO	VIDE A	AN EXPLANATION OF POINTS	· · · · · · · · · · · · · · · · · · ·
<u>adja</u>	cent cle		tely 20 sq. feet and a depth of 2 to 3 feet. The to 15 sq. feet and a depth of about 2 feet. The oticed.
В.	Hind	trance Violations MAX 25 PTS	
	1.	Is this a potential or actual hind	rance to enforcement?RANGE 0 - 25
		Assign points based on the exten	t to which enforcement is actually or potentially

DDOMDE	AN EVEL ANAMION OF		SSIGN HINDRAN	CE POINTS
PROVIDE	AN EXPLANATION OF	POINTS		
		TOTAL SER	LIOUSNESS POIN	ΓS (A or B) <u>32</u>
ш.	NEGLIGENCE MA	X 30 PTS		
Α.	Was this an inadvertent reasonable care? IF SO OR Was this a failure of to indifference, lack of abate any violation due OR Was this violation IF SO - GREATER 1	of a permittee to diligence, or lead to the same?	LIGENCE; o prevent the occurre lack of reasonable of IF SO - NEGLIG eckless, knowing, o	ence of a violation due care, or the failure to ENCE; r intentional conduct?
	No Negligence Negligence Greater Degree	of Fault	0 1-15 16-30	
STATE DE	EGREE OF NEGLIGENCE	Ordinary		
		AS	SIGN NEGLIGEN	CE POINTS 15
PROVIDE	AN EXPLANATION OF	POINTS		
operating in	on is a direct result of opera n accordance with the appro permitted, this violation pe	ved plan and a	dhered to conducting	lad the permittee been activities only within
	OOD FAITH MAX 20 Hoo abatement measures.)	TS. (EITHE)	R A or B) (Does r	ot apply to violations
A.	Did the operator have or violated standard within IF SO - EASY Easy Abatement Situatio Immediate Com Immediately foll Rapid Complian (Permittee used	the permit are ABATEMEN on pliance -1 owing the issue nce -1	ea? NT 1 to -20* ance of the NOV) to -10*	ieve compliance of the

	(Operator compliance (Operator complied within the Complied with complete complian)		
	* Assign in upper or lower half of ra or 2nd half of abatement period.	ange depending on abatem	ent occurring in 1st
В.	Did the permittee not have the resourche situation require the submission compliance? IF SO - DIFFICULT AB	of plans prior to physical	
	Difficult Abatement Situation Rapid Compliance -11 (Permittee used diligence to Normal Compliance (Operator complied within to Extended Compliance (Permittee took minimal action the NOV or the violated standincomplete) (Permittee complied with confidence complied wi	abate the violation) 1 to -10* the abatement period requious ons for abatement to stay dard, or the plan submitted	within the limits of l for abatement was
EASY OR D	IFFICULT ABATEMENT?	ASSIGN GOOD FAITH	POINTS0_
PROVIDE A	N EXPLANATION OF POINTS		
To be evaluate	ted upon termination of the violation		
v. ASSE	SSMENT SUMMARY FOR N	92-40-9-1	
I. II. III. IV.	TOTAL HISTORY POINTS TOTAL SERIOUSNESS POINTS TOTAL NEGLIGENCE POINTS TOTAL GOOD FAITH POINTS	11 32 15 -0	
	TOTAL ASSESSED POINTS	_58_	
	TOTAL ASSESSED FINE	\$ 1320.00	

COMPANY/MINE Co-Op Mining Co	ompany/Bear Canyon Mine NOV #N92-40-10-2
PERMIT #_ ACT/015/025_	VIOLATION 1 OF 2
ASSESSMENT DATE 04/28/92	ASSESSMENT OFFICER <u>Joseph C. Helfrich</u>

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated, which fall within 1 year of today's date?

ASSESSMENT DATE <u>04/28/92</u>	EFFECTIVE ONE YEAR TO	DATE <u>04/28/91</u>
PREVIOUS VIOLATIONS	EFFECTIVE DATE	POINTS
N91-26-5-1	11/03/91	_1_
<u>C91-26-2-1</u>	09/19/91	_5_
<u>N91-34-2-1</u>	11/24/91	_1_
<u>N91-26-7-2</u>	11/24/91	_2_
N91-40-1-1	04/11/92_	_1_
N91 35-8-1	04/11/92	1

¹ point for each past violation, up to one year;

No pending notices shall be counted.

TOTAL HISTORY POINTS ___11

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category, the Assessment Officer will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? Hindrance

⁵ points for each past violation in a CO, up to one year;

A.	Event Violations Max 45 PTS		
1.	What is the event which the viola	ited standard was designed to pro	event?
2.	What is the probability of the occurrence of the event which a violated standard was designed to prevent?		
	PROBABILITY	RANGE	
	None	0	
	Unlikely	1-9	
	Likely	10-19	
	Occurred	20	
PROVIDI	ASSIGN PROBAB	ILITY OF OCCURRENCE PO	DINTS
3.	What is the extent of actual or po	otential damage?	IGE 0 - 25*
		KA	10L 0 23
	*In assigning points, consider the in terms of area and impact on the		age or impact,
		ASSIGN DAMAGE P	OINTS
PROVIDI	E AN EXPLANATION OF POINTS		· · · · · · · · · · · · · · · · · · ·
B. <u>Hi</u>	ndrance Violations MAX 25 PTS		
1.	Is this a potential or actual hindr		NGE 0 - 25
	Assign points based on the extent hindered by the violation.	to which enforcement is actually ASSIGN HINDRANCE PO	
		ASSIGN HINDRANCE TO	H115
PROVID	E AN EXPLANATION OF POINTS		
	certified was inaccurate as it did not re ecent device, but this was not identified		Sediment Pond
	TOTA	L SERIOUSNESS POINTS (A	or B)15

III. <u>NEGLIGENCE MAX 30 PTS</u>

A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;
 OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;

OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

. . . No Negligence 0
. . . Negligence 1-15
. . . Greater Degree of Fault 16-30

STATE DEGREE OF NEGLIGENCE Ordinary

ASSIGN NEGLIGENCE POINTS 8

PROVIDE AN EXPLANATION OF POINTS

Lack of reasonable care in that the map should have been checked to be accurate and to be in compliance with all pertinent regulations prior to being certified and submitted to the Division.

IV. GOOD FAITH MAX 20 PTS. (EITHER A or B) (Does not apply to violations requiring no abatement measures.)

A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area?

... IF SO - EASY ABATEMENT

Easy Abatement Situation

. . . Immediate Compliance -11 to -20*

. . . Immediately following the issuance of the NOV)

. . . Rapid Compliance -1 to -10*

. . . (Permittee used diligence to abate the violation)

. . . Normal Compliance (

(Operator complied with conditions and/or terms of approved Mi

(Operator complied with conditions and/or terms of approved Mining and Reclamation Plan)

^{*} Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

	Б.	the situation require the submission of		
		compliance? IF SO - DIFFICULT ABA	TEMENT	
		(Permittee used diligence to a Normal Compliance -1 (Operator complied within the Extended Compliance (Permittee took minimal action the NOV or the violated stands incomplete)	to -10*	ement was
EAS	Y OR D	IFFICULT ABATEMENT? A	SSIGN GOOD FAITH POINTS	
PRO	VIDE A	N EXPLANATION OF POINTS		
The p	permittee	e exercised diligence in abating the vic	olation.	
3 7	A COT		0.40.10.0.1/0	
V.	ASSE	SSMENT SUMMARY FOR N9	2-40-10-2 1/2	
	I.	TOTAL HISTORY POINTS	_11_	V
	II.	TOTAL SERIOUSNESS POINTS	_15	
	III.	TOTAL NEGLIGENCE POINTS		
	IV.	TOTAL GOOD FAITH POINTS	5	
		TOTAL ASSESSED POINTS	_29_	
		TOTAL ASSESSED FINE	\$ 380.00	

COMPANY/MINE Co-Op Mining Company/Bear Canyon Mine

NOV #N92-40-10-2

PERMIT #_ACT/015/025_

VIOLATION <u>2</u> OF <u>2</u>

ASSESSMENT DATE 04/28/92

ASSESSMENT OFFICER Joseph C. Helfrich

I. **HISTORY MAX 25 PTS**

Are there previous violations which are not pending or vacated, which fall within Α. 1 year of today's date?

ASSESSMENT DATE <u>04/28/92</u>	EFFECTIVE ONE YEAR TO DATE <u>04/28/91</u>	
PREVIOUS VIOLATIONS	EFFECTIVE DATE	POINTS
N91-26-5-1	11/03/91	_1_
<u>C91-26-2-1</u>	09/19/91	_5_
<u>N91-34-2-1</u>	11/24/91	_1_
N91-26-7-2	11/24/91	
N91-40-1-1	04/11/92	<u> 1</u>
N91 35-8-1	04/11/92	_1_

¹ point for each past violation, up to one year;

No pending notices shall be counted.

TOTAL HISTORY POINTS _

П. **SERIOUSNESS** (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category, the Assessment Officer will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? <u>Hindrance</u>

⁵ points for each past violation in a CO, up to one year;

Α	. Event Violations Max 45 PTS	
1.	. What is the event which the vi	olated standard was designed to prevent?
2	What is the probability of the cowas designed to prevent?	occurrence of the event which a violated standard
	PROBABILITY	RANGE
	None	0
	Unlikely	1-9
	Likely	10-19
	Occurred	20
PROVID	ASSIGN PROBA DE AN EXPLANATION OF POINT	BILITY OF OCCURRENCE POINTS
3	. What is the extent of actual or	potential damage? RANGE 0 - 25*
	*In assigning points, consider to in terms of area and impact on	the duration and extent of said damage or impact, the public or environment.
		ASSIGN DAMAGE POINTS
PROVID	E AN EXPLANATION OF POINT	S
В. <u>Н</u>	findrance Violations MAX 25 PT	<u>s</u>
1	. Is this a potential or actual him	drance to enforcement? <u>Actual</u> RANGE 0 - 25
	Assign points based on the extending hindered by the violation.	ent to which enforcement is actually or potentially
	•	ASSIGN HINDRANCE POINTS15
PROVID	DE AN EXPLANATION OF POINT	S
of the m		ed which, in turn, calls into question the validity ssible to inspect the plan against site conditions
	тот	CAL SERIOUSNESS POINTS (A or B) 15

III. <u>NEGLIGENCE</u> MAX 30 PTS

A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;

OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;

OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

. . . No Negligence
. . . Negligence
. . . Greater Degree of Fault
16-30

STATE DEGREE OF NEGLIGENCE Ordinary

ASSIGN NEGLIGENCE POINTS <u>8</u>

PROVIDE AN EXPLANATION OF POINTS

Lack of reasonable care in that the map should have been proofed and checked against site conditions prior to being certified.

- IV. GOOD FAITH MAX 20 PTS. (EITHER A or B) (Does not apply to violations requiring no abatement measures.)
 - A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area?

... IF SO - EASY ABATEMENT

Easy Abatement Situation

- . . . Immediate Compliance -11 to -20*
- . . . Immediately following the issuance of the NOV)

. . . Rapid Compliance -1 to -10*

- . . . (Permittee used diligence to abate the violation)
- . . . Normal Compliance 0

 (Operator complied within the abatement period required)

 (Operator complied with conditions and/or terms of approved Mining and Reclamation Plan)

^{*} Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

	B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance?		
		IF SO - DIFFICULT ABATEMENT	
		Difficult Abatement Situation Rapid Compliance -11 to -20* (Permittee used diligence to abate the violation) Normal Compliance -1 to -10* (Operator complied within the abatement period required) Extended Compliance 0 (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete) (Permittee complied with conditions and/or terms of approved Mining and Reclamation Plan)	
EASY	OR D	IFFICULT ABATEMENT? ASSIGN GOOD FAITH POINTS5	
PROV	IDE A	N EXPLANATION OF POINTS	
To be	evaluat	ed upon termination of the violation.	
	ŧ		
v.	ASSE	SSMENT SUMMARY FOR N92-40-10-2 2/2	
	I. II. III. IV.	TOTAL HISTORY POINTS TOTAL SERIOUSNESS POINTS TOTAL NEGLIGENCE POINTS TOTAL GOOD FAITH POINTS -0	
		TOTAL ASSESSED POINTS 34	
		TOTAL ASSESSED FINE \$480.00	

COMPANY/MINE Co-Op Mining Company/Bear Canyon Mine NOV #N92-40-5-1

PERMIT #_ACT/015/025 VIOLATION _1 OF _1

ASSESSMENT DATE _04/28/92 ASSESSMENT OFFICER _Joseph C. Helfrich

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated, which fall within 1 year of today's date?

ASSESSMENT DATE <u>04/28/92</u>	EFFECTIVE ONE YEAR TO DATE <u>04/28/91</u>	
PREVIOUS VIOLATIONS	EFFECTIVE DATE	POINTS
N91-26-5-1	11/03/91_	_1_
C91-26-2-1	09/19/91	_5_
N91-34-2-1	11/24/91	_1_
N91-26-7-2	11/24/91	_2_
N91-40-1-1	04/11/92	_1_
<u>N91 35-8-1</u>	04/11/92	<u>1</u>

1 point for each past violation, up to one year;

5 points for each past violation in a CO, up to one year;

No pending notices shall be counted.

TOTAL HISTORY POINTS ___11__

II. <u>SERIOUSNESS</u> (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category, the Assessment Officer will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? Event

A. <u>E</u>	vent Violations Max 45 PTS	
1.	F .	
	Loss of Reclamation/Revegetati	
2. What is the probability of the occurrence of the event wh		
	was designed to prevent? Occ	urred
	PROBABILITY	RANGE
	None	0
	Unlikely	1-9
	Likely	10-19
-	Occurred	20
PROVIDE A	ASSIGN PROBATAN EXPLANATION OF POINTS	BILITY OF OCCURRENCE POINTS 20
water erosion	n as specified in the plan. The pl	osoil pile was not being protected from wind and an outlined the construction of a berm to protect y in tact around the base perimeter of the topsoil rmined.
3.	What is the extent of actual or	potential damage? RANGE 0 - 25*
	*In assigning points, consider the in terms of area and impact on	ne duration and extent of said damage or impact, the public or environment.
		ASSIGN DAMAGE POINTS 0
PROVIDE A	AN EXPLANATION OF POINTS	
No damage	occurred as a result of the violation	on.
B. Hind	rance Violations MAX 25 PTS	
1.	Is this a potential or actual hind	rance to enforcement?RANGE 0 - 25
	Assign points based on the extendindered by the violation.	nt to which enforcement is actually or potentially
PROVIDE A	AN EXPLANATION OF POINTS	ASSIGN HINDRANCE POINTS

TOTAL SERIOUSNESS POINTS (A or B) 20

III. NEGLIGENCE MAX 30 PTS

A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;

OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;

OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

... No Negligence
... Negligence
... Greater Degree of Fault
16-30

STATE DEGREE OF NEGLIGENCE Ordinary

ASSIGN NEGLIGENCE POINTS <u>8</u>

PROVIDE AN EXPLANATION OF POINTS

Lack of reasonable care with respect due to the fact that the operator had not fulfilled responsibilities to protect that topsoil pile from wind and water erosion. Had the plan within the permit been followed, this perhaps would not have occurred.

IV. GOOD FAITH MAX 20 PTS. (EITHER A or B) (Does not apply to violations requiring no abatement measures.)

A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area?

... IF SO - EASY ABATEMENT

Easy Abatement Situation

. . . Immediate Compliance -11 to -20*

. . . Immediately following the issuance of the NOV)

. . . Rapid Compliance -1 to -10*

. . . (Permittee used diligence to abate the violation)

. . . Normal Compliance 0

(Operator complied within the abatement period required)

(Operator complied with conditions and/or terms of approved Mining and Reclamation Plan)

- * Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.
- B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance?
 - . . . IF SO DIFFICULT ABATEMENT

Difficult Abatement Situation

- . . . Rapid Compliance -11 to -20*
- . . . (Permittee used diligence to abate the violation)
- . . . Normal Compliance -1 to -10*
- ... (Operator complied within the abatement period required)
- . . . Extended Compliance 0

 (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

(Permittee complied with conditions and/or terms of approved Mining and Reclamation Plan)

EASY OR DIFFICULT ABATEMENT? ____ ASSIGN GOOD FAITH POINTS ___-10

PROVIDE AN EXPLANATION OF POINTS

Permittee exercised diligence in abating the violation

V. ASSESSMENT SUMMARY FOR N92-40-5-1

- I. TOTAL HISTORY POINTS 11
 II. TOTAL SERIOUSNESS POINTS 20
- III. TOTAL NEGLIGENCE POINTS 8
- IV. TOTAL GOOD FAITH POINTS <u>-10</u>
 - TOTAL ASSESSED POINTS 29
 - TOTAL ASSESSED FINE \$ 380.00

COMPANY/MINE Co-Op Mining Company/Bear Canyon Mine NOV #N92-40-6-1

PERMIT #_ACT/015/025 VIOLATION _1 OF _1

ASSESSMENT DATE _04/28/92 ASSESSMENT OFFICER _Joseph C. Helfrich

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated, which fall within 1 year of today's date?

ASSESSMENT DATE <u>04/28/92</u>	EFFECTIVE ONE YEAR TO DATE <u>04/28/91</u>	
PREVIOUS VIOLATIONS	EFFECTIVE DATE	POINTS
<u>N91-26-5-1</u>	_11/03/91	_1_
<u>C91-26-2-1</u>	09/19/91	5
<u>N91-34-2-1</u>	11/24/91	_1_
<u>N91-26-7-2</u>	11/24/91	_2_
<u>N91-40-1-1</u>	04/11/92	_1_
N91 35-8-1	04/11/92	_1_

¹ point for each past violation, up to one year;

No pending notices shall be counted.

TOTAL HISTORY POINTS ___11__

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category, the Assessment Officer will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? <u>Event</u>

⁵ points for each past violation in a CO, up to one year;

A. <u>E</u>	Event Violations Max 45 PTS		
1.	What is the event which the violated standard was designed to prevent?		
	<u>Creating disturbances and ope</u> <u>potentially causing environmenta</u>	erating on lands designated as undisturbed,	
	potentially causing environmenta	i liatin.	
2.	What is the probability of the oc was designed to prevent? <u>Unlil</u>	currence of the event which a violated standard sely	
	DD 0D 1 D27 2007	D.L.YON	
	PROBABILITY	RANGE	
	None	0	
	Unlikely	1-9	
	Likely	10-19	
	Occurred	20	
PROVIDE A	ASSIGN PROBA AN EXPLANATION OF POINTS	BILITY OF OCCURRENCE POINTS 6	
It is unlikely	y that environmental harm would or	cur as a result of this violation.	
•			
3.	What is the extent of actual or p		
		RANGE 0 - 25*	
	*In assigning points, consider the in terms of area and impact on t	e duration and extent of said damage or impact, he public or environment.	
PROVIDE .	AN EXPLANATION OF POINTS	ASSIGN DAMAGE POINTS0_	
No damage	occurred as a result of the violation	1.	
B. <u>Hinc</u>	drance Violations MAX 25 PTS		
1.	Is this a potential or actual hinds	rance to enforcement?RANGE 0 - 25	
	Assign points based on the exten hindered by the violation.	t to which enforcement is actually or potentially	
		ASSIGN HINDRANCE POINTS	
PROVIDE	AN EXPLANATION OF POINTS		
,			
	ТОТ	AL SERIOUSNESS POINTS (A or B) 6	

III. <u>NEGLIGENCE MAX 30 PTS</u>

A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;

OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;

OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

. . . No Negligence 0
. . . Negligence 1-15
. . . Greater Degree of Fault 16-30

STATE DEGREE OF NEGLIGENCE Ordinary

ASSIGN NEGLIGENCE POINTS 8

PROVIDE AN EXPLANATION OF POINTS

Lack of reasonable care in that the permit and the regulations called for the disturbed area boundaries to be appropriately marked. The Bear Canyon Mine MRP spells out clearly how this will be met, however, the operator was not complying with the regulation nor what was required in the mine plan.

IV. GOOD FAITH MAX 20 PTS. (EITHER A or B) (Does not apply to violations requiring no abatement measures.)

A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area?

... IF SO - EASY ABATEMENT

Easy Abatement Situation

. . . Immediate Compliance -11 to -20*

... Immediately following the issuance of the NOV)

... Rapid Compliance -1 to -10*

. . . (Permittee used diligence to abate the violation)

... Normal Compliance 0

(Operator complied within the abatement period required)

(Operator complied with conditions and/or terms of approved Mining and Reclamation Plan)

- * Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.
- B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance?
 - ... IF SO DIFFICULT ABATEMENT

Difficult Abatement Situation

- . . . Rapid Compliance -11 to -20*
- . . . (Permittee used diligence to abate the violation)
- ... Normal Compliance -1 to -10*
- . . . (Operator complied within the abatement period required)
- . . . Extended Compliance 0

 (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

(Permittee complied with conditions and/or terms of approved Mining and Reclamation Plan)

EASY OR DIFFICULT ABATEMENT? ____ ASSIGN GOOD FAITH POINTS ____10

PROVIDE AN EXPLANATION OF POINTS

The operator communicated to Mr. Malencik, DOGM employee, that the abatement work was completed by March 17, 1992.

V. ASSESSMENT SUMMARY FOR N92-40-6-1

- I. TOTAL HISTORY POINTS 11
 II. TOTAL SERIOUSNESS POINTS 6
- III. TOTAL NEGLIGENCE POINTS 8
- IV. TOTAL GOOD FAITH POINTS <u>-10</u>
 - TOTAL ASSESSED POINTS 15
 - TOTAL ASSESSED FINE \$ 150.00